

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

POLARIS POWERLED TECHNOLOGIES,
LLC,

Plaintiff,

v.

DELL TECHNOLOGIES INC.,
DELL INC., and MICROSOFT
CORPORATION,

Defendants.

Civil Action No. 1:22-cv-973-RP

JURY TRIAL DEMANDED

NOTICE OF DEVELOPMENT IN RELATED ACTION

Defendants Dell Technologies Inc., Dell Inc., and Microsoft Corporation (collectively, “Defendants”) respectfully submit this Notice to inform the Court of a recent development in Plaintiff Polaris PowerLED Technologies, LLC’s (“Polaris”) patent infringement action against Nintendo Co., Ltd. and Nintendo of America Inc. (together, “Nintendo”) involving U.S. Patent No. 8,223,117 (the “’117 patent”). That case is currently pending in the U.S. District Court for the Western District of Washington, Case No. 2:22-cv-00386-JLR (“Nintendo Action”). The same ’117 patent is at issue in the present case and is the subject of a pending motion to stay proceedings pending *ex parte* reexamination. *See* Dkt. 60.

Following the January 5, 2023 decision by the U.S. Patent and Trademark Office (“PTO”) ordering reexamination of the ’117 patent (*see* Dkt. 74-1), Nintendo moved to stay their case pending the resolution of the *ex parte* reexamination, noting that the PTO instituted reexamination

of all asserted claims in the case. *See* Nintendo Action, Dkt. 53 at 1. Polaris subsequently filed an opposition to the motion to stay. *See* Nintendo Action, Dkt. 68. On January 31, 2023, the court (in a sealed order) granted Nintendo's motion to stay the case pending *ex parte* reexamination. *See* Nintendo Action, Dkt. 91.

February 1, 2023

Respectfully submitted,

/s/ Melissa R. Smith

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*Attorneys for Defendants Dell Technologies Inc.
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 1, 2023, a true and correct copy of the above and foregoing document was served via email to all counsel of record.

/s/ *Melissa R. Smith*
Melissa R. Smith